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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/624,906	07/22/2003	Michael J. Wurtz	842.008US1	7079
21186	7590	06/02/2006	EXAMINER	
SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A. P.O. BOX 2938 MINNEAPOLIS, MN 55402				HAROLD, JEFFEREY F
		ART UNIT		PAPER NUMBER
		2614		

DATE MAILED: 06/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/624,906	WURTZ, MICHAEL J.
	Examiner Jefferey F. Harold	Art Unit 2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 09 January 2006.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-21 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-21 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)              |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 6) <input type="checkbox"/> Other: _____.  |

**DETAILED ACTION**

***Information Disclosure Statement***

1. The references listed in the Information Disclosure Statement submitted on January 9, 2006 have been considered by the examiner (see attached PTO-1449).

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 1, 4, 5** are rejected under 35 U.S.C. 102(e) as being anticipated by Lazzeroni et al. (United States Patent Application Publication 2003/0026440), hereinafter referenced as Lazzeroni.

Regarding **claim 1**, Lazzeroni discloses a multi-channel vehicle audio system, switch and method. In addition, Lazzeroni discloses a headset assembly comprising a first input means for electrically coupling the headset assembly to receive audio signals from a CB, which reads on claimed “two-way radio”; and second input means for electrically coupling the headset to receive audio signals from a cellular phone, as disclosed at paragraph [0037] – [0041] and exhibited in figure 1.

Regarding **claim 4**, Lazzeroni discloses a headset comprising input section (122) which reads on “means for receiving first and second electrical signals from respective audio sources”; controller (126), which reads on “means for comparing one of the first and second electrical signals to a threshold”, wherein the comparing to a threshold is inherent as one of ordinary skill in the art would have recognized that comparing to a threshold was present based on the push to talk feature override/ takes priority over other devices connected to the input section; switching section (124), which reads on “means, responsive to the means for comparing”, for changing relative amplitude of the received first and second signals, as disclosed at paragraphs [0076]-[0106] and exhibited in figures 1, 3, 5, 6 and 8.

Regarding **claim 13**, Lazzeroni discloses everything claimed as applied above (see claim 11), in addition, Lazzeroni discloses a process comprising an analog to digital conversion of the audio signal inputs and introduces delays to avoid unwanted feed-back and interference effects, which reads on claimed “automatic noise reduction circuitry”, as disclosed at paragraph [0097] and exhibited in figure 10.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. ***Claim 2***, are rejected under 35 U.S.C. 103(a) as being unpatentable over Lazzeroni in view of well know prior art (MPEP 2144.03).

Regarding claim 2, Lazzeroni discloses everything claimed as applied above (see claim 1), in addition, Lazzeroni discloses the two-way radio and the mobile telephone comprises a cellular telephone, however, Lazzeroni fails to disclose an aircraft two-way radio. However, the examiner takes official notice of the fact that it was well know in the art to provide an aircraft two-way radio.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Lazzeroni by specifically providing aircraft two-way radio, for the purpose of allowing aircraft communication between pilot/co-pilot during aircraft maneuvers.

4. ***Claim 3*** is rejected under 35 U.S.C. 103(a) as being unpatentable over Lazzeroni in view of Lazzeroni et al. (United States Patent 5,329,593) hereinafter reference as Lazzeroni '593.

Regarding ***claim 3***, Lazzeroni discloses everything claimed as applied above (see claim 1), in addition, Lazzeroni discloses a power supply (70), which reads on

claimed battery terminal, a microphone coupled to a preamplifier, controller, which reads on claimed "means", responsive to coupling of the second input means to mobile telephone, for coupling the preamplifier to receive power via the battery terminal, as disclosed at paragraphs [0046], [0069] – [0106] and exhibited in figure 3, 5, and 6, however, Lazzeroni fails to disclose a boom microphone. However, the examiner maintains that it was well known in the art to provide a boom microphone, as taught by Lazzeroni '593.

In a similar field of endeavor Lazzeroni '593 discloses a noise canceling microphone. In addition, Lazzeroni '593 discloses a flexible boom microphone attached to a motorcycle helmet, as disclosed to column 6, lines 44-61 and exhibited in figure 1.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Lazzeroni by specifically providing a boom microphone, as taught by Lazzeroni '593, for the purpose of locating the microphone proximate the helmet wearer's mouth.

Regarding **claims 5, 7, 8, 9-12 and 14-21**, they are interpreted and thus rejected for the reasons set forth above in claims 1-4, 6 and 13.

### ***Response to Arguments***

5. Applicant's arguments with respect to claims 1-21 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

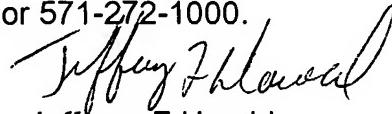
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jefferey F. Harold whose telephone number is 571-272-7519. The examiner can normally be reached on Monday - Friday 9 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wing F. Chan can be reached on 571-272-7493. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Jeffrey F Harold  
Primary Examiner  
Art Unit 2614



JFH  
May 26, 2006